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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/937,569

03/04/2003

Glen Scott Palmer

8257.21USWO

2469

23552

7590

05/29/2008

MERCHANT & GOULD PC

P.O. BOX 2903

MINNEAPOLIS, MN 55402-0903

EXAMINER

SILBERMANN, JOANNE

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

05/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/937,569

Applicant(s)

PALMER ET AL.

Examiner

Joanne Silbermann

Art Unit

3611

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3 "the first and second opposing surface" does not have proper antecedent basis. Only "first and second surfaces" have been recited, not first and second *opposing* surfaces.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashall, US #5,390,436 in view of Japanese Publication JP1993210014A to Daimon et al.
5. Ashall '436 teaches a display device for use in an illuminated display system having transparent medium 10 (Figure 1) with first and second surfaces to be illuminated in use (column 3 lines 14-30). At least one of the first and second surfaces has a matrix of spots 13 thereon. (Ashall teaches that it is known to apply such spots to one or both sides, column 4 Table 1.) The spots may be translucent, which allows the

passage of light therethrough (column 2 lines 28-32) and the spots do not form part of the message or information (Figure 1).

6. Ashall '436 teaches the spots as being any shape (column 2 lines 28-30) but does not specifically recite a donut shape, having a hollow interior. This shape is well known in the art as shown by Daimon. Daimon teaches protrusions 12 having a hollow transparent interior (Figure 26a). It would have been obvious to a person having ordinary skill in the art to utilize the shape of the members as shown in Daimon on the display of Ashall to provide increased yet uniform illumination for the indicia.

7. The shape of the interior of each spot corresponds to the shape of the outer periphery (Daimon, Figure 26a) and as the spots increase the interior periphery and the exterior size both increase.

8. The spots may be translucent or opaque (Ashall '436 column 2 line 31) and are preferably light colored.

9. The spots increase in size with increasing distance from an edge of the medium at which light source 21 is located (Figure 1) which is in optical communication with transparent medium 10. The light source is disposed transverse to the first and second surfaces.

10. The spots cover substantially the entire surface to be illuminated.

Response to Arguments

11. Applicant's arguments filed February 26, 2008 have been fully considered but they are not persuasive.

12. The Ashall reference has been applied to show spots which are not reflective.

13. Applicant argues that Daimon shows solid material surrounding spot 12, however the reference explains that the solid material is light guide plate 3, which provides for the transmission of light. The Daimon reference has been applied to show the annular shape of light guide elements. Ashall clearly teaches that these elements may be any shape.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silbermann

Art Unit: 3611

Primary Examiner
Art Unit 3611

/Joanne Silbermann/
Primary Examiner, Art Unit 3611
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